



ATTY. DOCKET NO.: SHIM1100

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Asakawa and Hasegawa Art Unit: 1636  
Application No.: 09/762,641 Examiner: David Guzo  
Filed: July 20, 2001  
Title: RNA VIRUS VECTOR WITH CONTACT INFILTRATION  
CAPABILITY

**Mail Stop Sequence**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

In connection with the response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed June 17, 2003, Applicants provide herewith a substitute computer readable and a paper copy of the Sequence Listing in accordance with 37 C.F.R. §§ 1.821 – 1.825 *et seq.*

Transmitted herewith for the above-identified application please find:

1. Statement Under 37 C.F.R. §§ 1.821(f), (g) and 37 C.F.R. §§ 1.825(a), (b) (2 pgs.);
2. Verified Statement Under 37 C.F.R. § 1.821(f) (1 pg.);
3. Amendment in Response to Notice to Comply with Sequence Listing Requirements Supporting Substitute Copy of Sequence Listing (4 pgs.);
4. Substitute Sequence Listing (3 pgs.);
5. Substitute Sequence Listing in computer readable form (3.5" disk);
6. Copy of Notice to Comply with Nucleic Acid/Amino Acid Sequence Rules (5 pgs.);

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**AUG 18 2003**

**TECH CENTER 1600/290**

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>July 17, 2003</u> , in an envelope addressed to: MS Sequence Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450.	
Mikhail Bayley	
Name of Person Mailing Paper	July 17, 2003
Signature	Date

In re Application of:  
Asakawa and Hasegawa  
Application No.: 09/762,641  
Filed: July 20, 2001  
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7. Return Postcard

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355. A copy of this Transmittal Sheet is enclosed.

Respectfully submitted,

Date: July 17, 2002



Lisa A. Haile, J.D., Ph.D.

Reg. No. 38,347

Telephone: (858) 677-1456

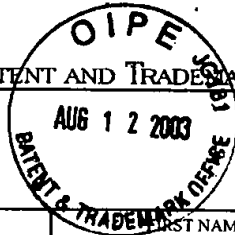
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH<sup>o</sup>LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133

**USPTO Customer Number: 28213**



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APPLICATION NO.	FILING DATE	INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,641	07/20/2001	Makoto Asakawa	SHIM1100	6517

28213 7590 06/17/2003

GRAY CARY WARE & FREIDENRICH LLP  
4365 EXECUTIVE DRIVE  
SUITE 1100  
SAN DIEGO, CA 92121-2133

PATENT DOCKETING  
JUN 23 2003

EXAMINER

GUZO, DAVID

ART UNIT PAPER NUMBER

1636

DATE MAILED: 06/17/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

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**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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**COPY**

EXAMINER
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ART UNIT	PAPER
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Commissioner for Patents

- SEE ATTACHMENT -

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**Attachment**

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below or on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Specifically, consensus nucleotide sequences are present on page 5 of the instant specification wherein said sequences are not included in the Sequence Listing.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Guzo, Ph.D., whose telephone number is (703) 308-1906. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

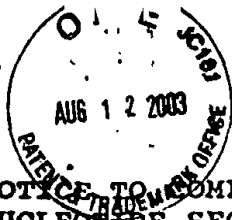
Art Unit: 1636

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Irem Yucel, Ph.D., can be reached on (703) 305-1998. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242. Faxes may be sent directly to the examiner at (703) 746-5061.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

David Guzo  
June 12, 2003

  
DAVID GUZO  
PRIMARY EXAMINER



Application No. 09/762641

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

☒ 1. This application clearly fails to comply with the requirements of 37 CFR 1.821 - 1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).

☒ 7. Other: Sequences on p. 5 of the specification missing from Sequence Listing

**Applicant must provide:**

☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing"

☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)

For questions regarding compliance with these requirements, please contact:

For Rules Interpretation, call (703) 308-1123  
For CRF submission help, call (703) 308-4212  
For PatentIn software help, call (703) 557-0400

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